

Marin, Carolina

From: Noble, Cesar
Sent: Friday, December 10, 2021 9:47 AM
To: Del Ciampo, Joseph; Abrams, James
Cc: Rules Committee; Petruzzelli, Lori; Marin, Carolina
Subject: RE: RC ID # 2021-014, Proposal by Judge Noble to amend to include whether there was an agreement for snow and ice removal and the existence of a contract for the same
Attachments: Form 203.ao.2021.12.10.docx

Joe – I am fine with the substance of the changes made by the CTLA. I think the existing interrogatories address the concern raised by the CDLA as to the relevant date. I attach a modified version of the standard forms that (1) renumbers the paragraphs of the interrogatories and (2) contains a minor grammatical change to what was ¶ 4 (now 5) of the interrogatories as written by the CTLA and the same for ¶ 1 of the requests for production. The changes are redlined. Thank you for your work.

Hon. Cesar A. Noble
Judge, Superior Court
95 Washington St.
Hartford, Conn.
Email: cesar.noble@jud.ct.gov
(860) 548-2734

From: Del Ciampo, Joseph
Sent: Thursday, December 9, 2021 4:10 PM
To: Abrams, James <James.Abrams@jud.ct.gov>; Noble, Cesar <Cesar.Noble@jud.ct.gov>
Cc: Rules Committee <RulesCommittee@jud.ct.gov>; Petruzzelli, Lori <Lori.Petruzzelli@jud.ct.gov>; Marin, Carolina <Carolina.Romanauskas@jud.ct.gov>
Subject: RE: RC ID # 2021-014, Proposal by Judge Noble to amend to include whether there was an agreement for snow and ice removal and the existence of a contract for the same
Importance: High

Dear Judge Abrams and Judge Noble,

This item will be on the Rules Committee agenda for this coming Monday, December 13, 2021. Do either of you have any comments on the CTLA's and the CDLA's e comments that are attached? Please let me know as soon as possible. Thank you.

-Joe

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From: Del Ciampo, Joseph
Sent: Friday, November 26, 2021 11:09 AM
To: Abrams, James <James.Abrams@jud.ct.gov>; Cesar Noble (Cesar.Noble@jud.ct.gov) <Cesar.Noble@jud.ct.gov>
Cc: Rules Committee <RulesCommittee@jud.ct.gov>; Lori Petruzzelli (Lori.Petruzzelli@jud.ct.gov) <Lori.Petruzzelli@jud.ct.gov>; Marin, Carolina <Carolina.Romanauskas@jud.ct.gov>
Subject: RC ID # 2021-014, Proposal by Judge Noble to amend to include whether there was an agreement for snow and ice removal and the existence of a contract for the same

Dear Judge Abrams and Judge Noble,

At its meeting held on November 15, 2021, The Rules Committee considered a proposal from Judge Cesar A. Noble to revise the standard premises liability interrogatories (Practice Book Form 203) and requests for production (Practice Book Form 206) to include whether there was an agreement for snow and ice removal and the existence of a contract for the same (RC ID # 2021-014).

After discussion, the Committee tabled this proposal until the December 13, 2021, meeting and referred the comments from the Connecticut Trial Lawyers Association and the Connecticut Defense Lawyers Association to you for consideration and comment. The CTLA's and the CDLA's e comments are attached as are the forms, and Judge Abrams comments.

Please send me any comments you wish to offer as soon as possible before the December 13th Rules Committee meeting. Thank you.

-Joe

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Form 203

**Plaintiff's Interrogatories
Premises Liability Cases**

No. CV- : SUPERIOR COURT
(Plaintiff) : JUDICIAL DISTRICT OF
VS. : at
(Defendant) : (Date)

The undersigned, on behalf of the Plaintiff, hereby propounds the following interrogatories to be answered by the Defendant, _____, under oath, within sixty (60) days of the filing hereof in compliance with Practice Book Section 13-2.

In answering these interrogatories, the Defendant(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) Identify the person(s) who, at the time of the Plaintiff's alleged injury, owned the premises where the Plaintiff claims to have been injured.

(a) If the owner is a natural person, please state:

(i) your name and any other name by which you have been known;

(ii) your date of birth;

(iii) your home address;

(iv) your business address.

(b) If the owner is not a natural person, please state:

- (i) your name and any other name by which you have been known;
- (ii) your business address;
- (iii) the nature of your business entity (corporation, partnership, etc.);
- (iv) whether you are registered to do business in Connecticut;
- (v) the name of the manager of the property, if applicable.

(2) Identify the person(s) who, at the time of the Plaintiff's alleged injury, had a possessory interest (e.g., tenants) in the premises where the Plaintiff claims to have been injured.

(3) Identify the person(s) responsible for the maintenance and inspection of the premises at the time and place where the Plaintiff claims to have been injured. "Maintenance and inspection" includes, but is not limited to, snow and ice removal, and other maintenance and inspection related to a particular season or condition or fixture.

(4) State whether you received or prepared any invoices or records related to such maintenance and inspection for the 30 days prior to the date on which the Plaintiff claims to have been injured.

(5) State whether you had in effect at the time of the Plaintiff's injuries any written policies, procedures or contracts that relate to the kind of conduct or condition the Plaintiff alleges caused the injury.

(6) State whether it is your business practice to prepare, or to obtain from your employees, a written report of the circumstances surrounding injuries sustained by persons on the subject premises.

(7) State whether any written report of the incident described in the Complaint was prepared by you or your employees in the regular course of business.

(8) State whether any warnings or caution signs or barriers were erected at or near the scene of the incident at the time the Plaintiff claims to have been injured.

(9) If the answer to the previous interrogatory is in the affirmative, please state:

(a) the name, address and employer of the person who erected the warning or caution signs or barriers;

(b) the name, address and employer who instructed the person to erect the warning or caution signs or barriers;

(c) the time and date a sign or barrier was erected;

(d) the size of the sign or barrier and wording that appeared thereon.

(10) State whether you received, at any time within twenty-four (24) months before the incident described by the Plaintiff, complaints from anyone about the defect or condition that the Plaintiff claims caused the Plaintiff's injury,

(11) If the answer to the previous interrogatory is in the affirmative, please state:

(a) the name and address of the person who made the complaint;

(b) the name, address and person to whom said complaint was made;

(c) whether the complaint was in writing;

(d) the nature of the complaint.

(12) Please identify surveillance material discoverable under Practice Book Section 13-3 (c), by stating the name and address of any person who obtained or prepared any and all recordings, by film, photograph, videotape, audiotape or any other digital or electronic means, of any party concerning this lawsuit or its subject matter, including any transcript thereof which are in your possession or control or in the possession or

control of your attorney, and state the date on which each such recordings were obtained and the person or persons of whom each such recording was made.

(13) Are you aware of any photographs or any recordings by film, video, audio or any other digital or electronic means depicting the incident alleged in the Complaint, the scene of the incident, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs or each recording taken, obtained or prepared of each such subject, please state:

(a) the name and address of the person who took, obtained or prepared such photographs or recording, other than an expert who will not testify at trial;

(b) the dates on which such photographs were taken or such recordings were obtained or prepared;

(c) the subject (e.g., "scene of incident," etc.);

(d) the number of photographs or recordings;

(e) the nature of the recording (e.g., film, video, audio, etc.).

(14)-(24) (Interrogatories #1 (a) through (e), #2 through #5, #7, #8, #9, #12, #13 and #16 of Form 201 may be used to complete this standard set of interrogatories.)

PLAINTIFF,

BY _____

CERTIFICATION

I hereby certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (*date*) _____ to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to*

*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

Signed (*Signature of filer*) Print or type name of person signing Date Signed

Mailing address (Number, street, town, state & zip code) or E-mail address, if applicable Telephone No.
me and address which the copy was or will immediately be mailed or delivered to.

Signed (*Signature of filer*) Print or type name of person signing Date Signed

Mailing address (Number, street, town, state & zip code) or E-mail address, if applicable Telephone No.

Plaintiff's Requests for Production—Premises Liability

No. CV- : SUPERIOR COURT
(Plaintiff) : JUDICIAL DISTRICT OF
VS. : at
(Defendant) : (Date)

The Plaintiff hereby requests that the Defendant provide counsel for the Plaintiff with copies of the documents described in the following requests for production, or afford counsel for said Plaintiff the opportunity or, if necessary, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorization shall take place at the offices of _____ on _____ (day), _____(date) at _____ (time).

In answering these production requests, the Defendant(s) are required to provide all information within their possession, custody or control. If any production request cannot be answered in full, answer to the extent possible.

(1) A copy of the policies, procedures or contracts identified in response to Interrogatory #4.

(2) A copy of the report identified in response to Interrogatory #6.

(3) A copy of any written complaints identified in Interrogatory #10.

(4) A copy of declaration page(s) evidencing the insurance policy or policies identified in response to Interrogatories numbered _____ and _____.

(5) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this lawsuit concerning this action or its subject matter,

(6) A copy of each and every recording of surveillance material discoverable under Practice Book Section 13-3 (c), by film, photograph, videotape, audiotape or any other digital or electronic means, of any party to this lawsuit concerning this lawsuit or the subject matter thereof, including any transcript of such recording.

(7) A copy of any photographs or recordings, identified in response to Interrogatory #12.

(8) A copy of any written lease(s) and any amendments or extensions to such lease(s) for the premises where the Plaintiff claims to have been injured in effect at the time of the Plaintiff's injury between you and the person or entity identified in Interrogatory #2.

(9) A copy of any written contract or agreement regarding the maintenance and inspection of the premises where the Plaintiff claims to have been injured in effect at the time of the Plaintiff's injury between you and the person or entity identified in Interrogatory #3.

(10) A copy of any invoice or report identified in response to Interrogatory #4.

PLAINTIFF,

BY _____

CERTIFICATION

I hereby certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (*date*) _____ to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to*

*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

Signed (*Signature of filer*) Print or type name of person signing Date Signed

Mailing address (*Number, street, town, state & zip code*) or E-mail address, if applicable Telephone No.